

## REMARKS

In the Office Action, the Examiner rejected claims 1-8 and 34 under 35 U.S.C. §102(e) as being anticipated by Benson (EP 0,936,530). The rejection is fully traversed below. Reconsideration of the application is respectfully requested based on the following remarks.

Claims 1-8 and 34 remain pending in this application.

### REJECTION OF CLAIMS 1-8 AND 34 UNDER 35 U.S.C. § 102

Generally, the present invention pertains to virtual smart cards used to facilitate online purchase transactions. On the other hand, Benson utilizes virtual smart cards in a different field. The virtual smart cards of Benson are used in the computer security field. For example, the virtual smart cards of Benson can be used to obtain access to copy protected programs.

With respect to independent claim 1, the present invention recites a virtual smart card database having records wherein each record includes at least a balance corresponding to a virtual smart card. The balance refers to a credit or monetary amount that a party can use to purchase a good or service. In contrast, Benson teaches a database that maintains information relating to computer security, such as cryptographic keys. However, Benson does not teach or suggest a record that includes a balance corresponding to a virtual smart card. It follows that Benson also does not teach a database that contains such a record. The lack of such teachings is understandable since Benson pertains to computer security applications and not purchase transactions. Based on the foregoing, it is submitted that Benson fails to teach or suggest claim 1.

Since claims 2-8 and 34 depend from claim 1, it is submitted that dependent claims 2-8 and 34 are likewise patentably distinct from Benson for at least the same reasons. Also, these dependent claims further recite additional limitations that further distinguish these dependent claims from Benson. For example, claim 34 recites further details regarding a virtual smart card for use in a purchase transaction. Specifically, claim 34 recites that the smart card emulator is suitable for increasing or decreasing a balance for a record retrieved from the virtual smart card database. In contrast, Benson does not teach or suggest a smart card emulator suitable for increasing or decreasing a balance for a record. Again, this is due to the fact that Benson pertains to virtual smart cards for use with computer security applications rather than purchase transactions.

For similar reasons, elements of dependent claims 5, 6, and 8 are also not taught or suggested by Benson. Each of these claims provides further details as to the use of virtual smart cards for facilitating purchase transactions. Specifically, claim 5 recites that the OPAL server communicates with a merchant server; claim 6 recites that the OPAL server communicates with a bank server; and claim 8 recites that the OPAL server communicates with a payment gateway.

In light of the foregoing, it is respectfully requested that the Examiner withdraw the rejection of claims 1-8 and 34 under 35 U.S.C § 102(e).

### **SUMMARY**

It is respectfully submitted that all pending claims are allowable and that this case is now in condition for allowance. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

If any fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from the undersigned's Deposit Account No. 50-0388 (Order No. VISAP016).

Respectfully submitted,  
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